



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, MARCH 28, 2011

Town Administrator

Anthony J. Carson, Jr.

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

EXECUTIVE SESSION6:00 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144

TTY users dial 7-1-1 in the State of Maryland

TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, March 28, 2011**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
Executive Session of the Mayor and Council on March 14, 2011
Statement of Closure of Mayor and Council on March 14, 2011
Regular Session of the Mayor and Council on March 14, 2011
2. Request for Special Event – Memorial Day Parade
Monday, May 30, 2011; 11:00 a.m. Flower Street & Henry Park
3. Public Hearing – Ordinance 2011-01
An ordinance repealing Chapter 25, titled Utility Commission, in its entirety.
4. David Gaskill – Town Attorney Legal Advice – Atlantic Hotel Windows
5. Slots Local Impact Grants
6. Yard Waste Pickup Schedule
7. Departmental Reports
 - a. Finance
 - b. Deputy Town Administrator
 - c. Public Works
 - d. Water Resources
 - e. Electric
 - f. Police
 - g. Planning and Zoning
 - h. Human Resources
 - i. Economic and Community Development
8. Town Administrator's Report
9. Comments from the Mayor
10. Comments from the Council
11. Comments from the Public
12. Comments from the Press
13. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, March 14, 2011

The meeting of the Mayor and Council for Monday, March 14, 2011 was called to order by Mayor Williams at approximately 7:12 p.m. Council Members Lynch, Purnell, Hall, Brittingham and Burrell were present, as well as Town Administrator Tony Carson, Water Resources Director Jane Kreiter, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, Planning and Zoning Director Chuck Ward, Administrative Assistant Sharon Timmons, Deputy Town Administrator Mary Bohlen and Human Resources Director Jeff Fleetwood. Economic and Community Development Director Michael Day, Finance Director Lynn Musgrave, Public Works Director Mike Gibbons and Town Attorney David Gaskill were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Executive Session Minutes of February 28, 2011. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed to discuss a personnel matter and a matter involving a business locating in the Town of Berlin. Mayor Williams asked for a motion to approve the Regular Session minutes of February 28, 2011. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0.

Ms. Ellen Lang came before the council requesting a letter of support from the Town for House Bill 1148 which grants income tax credits for film production in Maryland. Councilmember Burrell made a motion to send a letter of support and council voted unanimously to approve 5-0.

Olive Mawyer representing the Berlin Chamber of Commerce came before the council requesting approval for the following events: Jazz and Blues Bash to be held on May 7th, 2011; Spring Cruisers to be held on May 21st, 2011 and Village Fair to be held on June 11th, 2011. Ms. Mawyer stated that Worcester Youth and Family Counseling would also be participating in the events to provide children's activities. Councilmember Hall made a motion to approve the Jazz and Blues event and council voted unanimously to approve 5-0. Councilmember Brittingham made a motion to approve the Spring Cruisers event and council voted unanimously to approve 5-0. Councilmember Hall made a motion to approve the Village Fair event and council voted unanimously to approve 5-0.

Police Chief Arnold Downing spoke about the request of the Berlin Fire Company for the Special One Day Permit for the event "Bahamas in Berlin" to be held on April 2nd and would be a fundraiser for Station 3. Councilmember Lynch made a motion to approve the permit and council voted unanimously to approve 5-0.

Town Administrator Tony Carson explained the Allocation Agreements for 5 EDU's and 7 BDU's for the Derrickson Enterprises LLC property which had been approved for annexation on February 28th. The annexation would go into effect at the end of the 45 day period and at that time the ready to serve charges would begin. Councilmember Purnell made a motion to approve the allocation agreements and council voted unanimously to approve 5-0.

Mayor Williams announced the first reading of Ordinance 2011-01, an ordinance repealing Chapter 25, titled Utility Commission, in its entirety. The public hearing will be held on March 28, 2011.

Deputy Town Administrator Mary Bohlen came before the council regarding the Program Open Space FY12 Annual Request. Ms. Bohlen stated that even though no allocation monies were given to the Town last year, the Town would be making the same requests for monies as last year. Councilmember Hall inquired if Ms. Bohlen believed we would be receiving any monies and Ms. Bohlen stated that she hoped, but Worcester County had been holding onto the small amounts of monies they had been receiving. Councilmember Burrell made a motion to approve the submittal of the Program Open Space FY12 Annual Request to the county and council voted unanimously to approve 5-0.

Departmental reports began with Deputy Town Administrator Mary Bohlen reporting that she would be attending a Land Conservancy Conference, that the 3rd annual Clean up day would be held on April 16th beginning at 9 a.m. in Henry Park and that she would be attending a Coastal Bays workshop on backyard habitats.

Water Resources Director Jane Kreiter reported that the pre-bid meetings on the Spray Site addition and Transfer piping were held on March 9th with final bids being submitted on March 16th.

Electric Utility Director Tim Lawrence reported that the Electric department's portion of the pole relocation on Flower Street had been completed. Concrete replacement and repair of the sidewalks affected would be completed by Public Works after Verizon and Comcast had completed their portion of the work. Mr. Lawrence continued his report by explaining the work to be done on the #5 engine regarding the cooler core.

Police Chief Arnold Downing reported that they were gearing up for the events that were approved and thanked Olive Mawyer for all of her assistance in preparation of the event paperwork.

Planning and Zoning Director Chuck Ward reported that the warmer weather was resulting in an increase in calls regarding in code issues and that there was an increase in permit requests for small renovations. He spoke about the updating of the permit forms and that once the updates were done, he would send to Ms. Bohlen for downloading on the website.

Human Resources Director Jeff Fleetwood reported that he would be attending a workshop on April 8th on State Retirement.

Town Administrator Tony Carson asked for approval of 4 purchase orders (201101153, 201101268, 201101320 and 201101327). This report will be included as part of the minutes. Councilmember Lynch inquired on PO 201101327 and Mr. Lawrence stated that the unit in question was 22 years old and recommendations were to replace every 10-12 years. Councilmember Brittingham made a motion to approve all 4 purchase orders and council voted unanimously to approve 5-0.

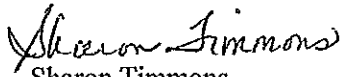
Mayor Williams announced that he attended a meeting on March 7th with the Local Development Council Advisory Board regarding advice on grants from the slots revenues. He stated that the board had requested that each municipality receiving slot revenue monies submit their plans for grants at their next meeting to be held April 25th. Mayor Williams asked that this item be placed on the agenda for discussion at the next Mayor and Council meeting of March 28th. He will also be sharing ideas received on short and long terms approaches based on uncertain levels of grants. He requested that Chief Downing work with the other agencies to gather information on the impact on public safety from the casino.

Mayor Williams asked for comments from the council. Councilmember Hall spoke on the incident regarding the windows at the Atlantic Hotel and stated she felt that the council had a duty to the Historic Commission and Town Charter to follow the Town code. Discussion continued on the opinions given by the Worcester County Circuit Court and the Attorney General's office.

Resident Ron Cascio stated that this matter was about authority and process, not about the windows and asked if the Mayor had the authority to do what he did and that he request a formal opinion from the Attorney General's office. Mayor Williams responded that if he exceeded his authority he apologized, but he did what he felt was in the best interest of the town concerning the time limits and application of standards. Mayor Williams stated that he had no intention of intervening again. Councilmember Lynch stated that she felt the Town needed a legal opinion from our attorney and that it was not a valid decision in the first place. Mr. Cascio inquired if Mayor Williams had spoken with the town attorney on this matter and if so, on what basis Mr. Gaskill gave his opinion.

Mayor Williams asked for questions from the public. There being none, Mayor Williams asked for questions from the press. There being none, Councilmember Burrell made a motion to adjourn and the meeting ended at 7:59 p.m.

Respectfully submitted,


Sharon Timmons
Administrative Assistant

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND A MD. MUNICIPAL CORPORATION, REPEALING CHAPTER 25, TITLED UTILITY COMMISSION, IN ITS ENTIRETY

NOW THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL that Chapter 25, Titled Utility Commission, BE REPEALED IN ITS ENTIRETY AS FOLLOWS:

~~§ 25-1. Establishment, purpose, duties and responsibilities.~~

- ~~A. The Mayor and Council do hereby establish the Berlin Utility Commission; hereinafter referred to as the "Commission" for the purpose of overseeing and directing the operations of the Berlin electric, water and sewer utilities.~~
- ~~B. The Commission shall have the authority and the responsibility to exercise the powers granted to the Town under §§ C10-1 and C11-1 of the Berlin Charter subject to the approval of the Mayor and Council. The Commission shall function at all times as a policy-making body for the Town's electric, water and sewer utility system subject to the approval of the Mayor and Council.~~

~~§ 25-2. Number of Utility Commissioners; selection; term.~~

- ~~A. The Commission shall consist of five voting members and one nonvoting member appointed by the Mayor and Council for terms of three years, except for initial terms of office as provided in Subsection E below. The nonvoting member shall be the Administrative Director for the Town of Berlin.~~
- ~~B. There shall be no limit as to the number of terms a member may serve.~~
- ~~C. No fewer than three of the voting members shall be residential class electric, water and sewer customers within the Town of Berlin.~~
- ~~D. Each member's term shall commence on the first day of January in the year his appointment becomes effective.~~
- ~~E. Initial appointments shall be made such that no more than three members' terms shall expire in the same year and shall be made as follows: three members shall be appointed for two-year terms, and two members shall be appointed for one-year terms. Upon expiration of these initial terms of office, each member shall be appointed for a three-year term thereafter. The Administrative Director's position shall be permanently appointed to a nonvoting membership on the Commission.~~
- ~~F. If a vacancy shall occur on the Commission at any time by reason of death, resignation, removal from office or other reason, the vacancy shall be filled by appointment of a qualified person by the Mayor and Council, and such appointment shall be for the remainder of the unexpired term of the vacating Commissioner.~~

~~§ 25-3. Compensation of Commissioners; meetings.~~

- ~~A. Commission members shall serve without compensation, except that reasonable travel and personal expenses incurred during the conduct of official Commission~~

~~business will be reimbursed upon presentation of an expense voucher and accompanying receipts;~~

- ~~B. The Commission shall meet for the transaction of business once each month during the calendar year and may set more frequent meetings if a majority of the Commission deems it necessary. The Chairman with the concurrence of at least two other Commissioners may cancel a regularly scheduled meeting, provided that no more than three such meetings are canceled in any one calendar year.~~
- ~~C. Any Commissioner absent from more than three meetings in the course of his or her twelve-month term of appointment without having been excused by the Chairman will be dismissed unless otherwise determined by the Mayor and Council in each individual case.~~

~~§ 25-4. Selection of officers; duties.~~

- ~~A. The Commission shall set its own rules of procedure for the conduct of meetings. The Commission shall draft and adopt bylaws to govern its operations subject to the review and approval of the Mayor and Council.~~
- ~~B. The Commission shall elect a Chairperson from among its members (except, however, that the Administrative Director shall not be eligible), whose term as Chair shall be for one year and who may be reelected by the remaining Commissioners without limitation as to the number of terms served.~~

~~§ 25-5. Examination of records; removal of Commissioners; appeal.~~

- ~~A. The Mayor and Council shall, at all times, have the right to examine or to have examined any and all documents or records maintained by the Commission.~~
- ~~B. The Commission shall participate in the Town's annual independent audit under the same terms and circumstances as any other town department by making any and all records available to the Auditor. The Commission shall further have the authority to procure an individual audit of the electric, water and sewer utility's records with the approval of the Mayor and Council.~~
- ~~C. The Mayor and Council shall have the power to remove any member of the Commission by means of formal resolution adopted by affirmative vote of a majority of the Council.~~

~~§ 25-6. (Reserved)~~

~~§ 25-7. Street opening powers.~~

~~The Commission shall have the right to open streets or public ways for the installation, replacement and maintenance of electric, water and sewer utility fixtures, equipment or any system component, subject to all other standards and regulations related to the opening and restoration of public ways that would be applicable to any public utility operating within the Berlin corporate limits. Such standards and regulations include, without limitation, protection and securing of the excavation or opening and restoration of the same to, at minimum, its prior condition.~~

Adopted and effective this _____ day of _____, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2011 by the Mayor of the Town of Berlin.

Wm. Gee Williams, Mayor

ATTEST: Anthony Carson, Town Administrator

<p>TOWN OF BERLIN RESIDENTS YARD WASTE PICKUP Curbside Collection</p>
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Yard Waste Curbside Collection will be held on **Wednesday, April 20, 2011** for those residents who receive normal trash pickup on **Tuesdays or Wednesdays**.

Yard Waste Curbside Collection will be held on **Wednesday, April 27, 2011** for those residents who receive normal trash pickup on **Thursdays**.

Residents must have items for collection set out by **6:00 a.m.** Materials placed for pick up at any other time will not be collected.

DO:

Place leaves, grass clippings, pine needles and cones, and garden waste in a paper bag, plastic bag, or (maximum) 30 gallon container.

Cut brush into 4 ft. lengths and bundles no larger than 18 inches in diameter.

DON'T:

Mix in stones, rocks, metal, other inorganic matter, dirt, sod or other encumbrances

The curbside pick up of yard waste is intended for occupied residentially improved properties only.

Commercial and Industrial properties are not included in the collection program.

FOR FURTHER INFORMATION REGARDING ACCEPTABLE TYPES OF YARD WASTE, PLEASE CALL THE DEPARTMENT OF PUBLIC WORKS AT 410-641-4001.

TOWN ADMINISTRATOR'S REPORT
3-28-11

Purchase Orders

PO# 201101437 in the amount of \$3,146.83 to United Rentals for rental of loader for cleanup at new spray site.

PO# 201101450 in the amount of \$7,650.00 to ACE Pole Company for quantity of 25 Class 3 Electric Utility poles.

PO# 201101455 in the amount of \$1,003.92 to USA Bluebook for Laboratory Process Control Testing.

PO# 201101457 in the amount of \$5,027.36 to Verizon Maryland for relocation of existing aerial Verizon facilities at 309 William Street to allow for removal of utility pole in middle of yard.

Updates